

Application No. 10/729,000
Amendment "F" and Response dated May 25, 2006
Reply to Office Action of March 29, 2006

REMARKS

Claims 1-13 and 16-29 remain pending in the application, wherein claims 1, 8-10, 17 and 27-29 have been amended. Reconsideration and allowance for the above-identified application are now respectfully requested in view of the foregoing amendments and the following remarks.

As discussed in the application and in previous amendments, the claimed child restraint devices are designed to provide the ability to maintain a child in a balanced fashion and prevent the child from inadvertently falling over by gripping one or more handles located on a child's balancing plane. As amended, the claims are believed to distinguish over the art of record.

The Office Action rejects claims 1-3, 5-8, 27 and 29 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over, US 4,396,013 to Hasslinger. Hasslinger discloses a device that includes a pair of handles 38, 40 positioned so as to lie adjacent to a patient's back between the patient's spine and respective sides during use.

Claim 1 as amended recites a child restraint device comprising a pair of opposing handles and attachment means for attaching the pair of opposing handles adjacent to a child's body on opposite sides of a child's body so as to lie on a central balancing plane during use. Hasslinger neither teaches nor suggests a device that includes attachment means that are capable of attaching a pair of opposing handles on opposite sides of a child's body. Instead, handles 38, 40 of Hasslinger are located on the same side of the patient's body (*i.e.*, next to the patient's back as shown in Figure 4). Moreover, neither of handles 38, 40 lie on a central balancing plane of a person's body but rather to the side of the central balancing plane passing through the spine and sternum. While the Hasslinger device may be suitable for its intended use of stabilizing ambulatory patients, it does not provide the ability to attach a pair of opposing handles on opposite sides of a child's body so as to lie on a central balancing plane. Hasslinger neither teaches nor suggests a child restraint device having the combination of features recited in claim 1 as amended.

Claim 27 as amended defines a child restraint device comprising a flexible corset or harness, at least one fastener, and a releasable handle, wherein the releasable handle comprises a pair of straps and releasable and reconnectable attachment means for selectively connecting and unconnecting the pair of straps so as to selectively form and unform the loop. Accordingly, the attachment means of claim 27 are written in a manner that invokes 35 U.S.C. § 112, ¶ 6. As such, this limitation reads on the corresponding structure described in the specification and

Application No. 10/729,000
Amendment "F" and Response dated May 25, 2006
Reply to Office Action of March 29, 2006

equivalents thereto. Examples of corresponding structure include the hook and loop system shown in Figure 15A, the buckles of Figure 8A, 8B and 8D, the snap(s) of Figure 8C, and the ratchet structure of Figure 8E. All such structures have the common feature that they can be easily and simply released and reconnected as desired to selectively form and unform the loop forming the handle, even while the flexible corset or harness is attached to a child.

The Office Action alleges that the permanently looped handles of Hasslinger can be selectively connected and unconnected by cutting the stitching holding the straps to the harness and then stitching them back together again. This argument twists the plain meaning of the claim language to encompass its very opposite. Permanently looped handles are not releasable handles. Claim 27 as amended recites "releasable and reconnectable attachment means". Stitches that have been ripped apart to "temporarily" unform the loop of a handle cannot be used to reform the loop but must be replaced by new stitches to reform the loop.

Moreover, because Applicant has expressly invoked 35 U.S.C. § 112, ¶ 6, this claim element reads on the corresponding structure set forth in the application and any equivalents thereto. Permanent stitches are not disclosed in the Application as an example of "attachment means for selectively connecting and unconnecting the pair of cooperating straps so as to selectively form and unform the loop" of a releasable handle. Nor are stitches equivalent to the disclosed attachment means because they are not "releasable and reconnectable". Instead, stitches that have been severed into pieces can no longer hold a strap to a harness but must be replaced with entirely new stitches to reform the loop. Thus, stitches are not equivalent to the attachment means disclosed in the Application. Hasslinger neither teaches nor suggests a child restraint device having the combination of features recited in claim 27 as amended.

Claim 29 as amended defines a child restraint device comprising a flexible corset or harness, at least one fastener, a handle configured to be gripped by a person's hand, and one or more strips of a cushioning material and/or a friction enhancing material, wherein the handle is attached to the corset or harness in a manner so that the handle is positioned next to the child's body or clothing and lies on a central balancing plane of the child's body so that a hand gripping the handle remains close to the child's body and also lies on a central balancing plane of the child's body when the restraint device is in use. As discussed above, neither of handles 38, 40 of Hasslinger are positioned so as to lie on a central balancing plane of a child's body. Instead, each lies between the patient's spine and a respective side of the patient's body, as clearly shown

Application No. 10/729,000
Amendment "F" and Response dated May 25, 2006
Reply to Office Action of March 29, 2006

in Figure 4 of Hasslinger. As a result, a hand gripping either of handles 38 or 40 will likewise not lie on a central balancing plane of the patient's body but somewhere between the patient's spine and side. Hasslinger neither teaches nor suggests a child restraint device having the combination of features recited in claim 29 as amended.

The Office Action rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hasslinger in view of US 6,122,778 to Cohen. Neither Hasslinger nor Cohen teach or suggests a pair of handles that are positioned on opposite sides of a child's body so as to lie on a central balancing plane of the child's body when the device is in use.

The Office Action rejects claims 9 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Hasslinger in view of US 3,968,994 to Chika. The Office Action acknowledges that Hasslinger fails to disclose a restraint device that incorporates a head restraining system and then alleges that element K of Chika meets the definition of the claimed head restraint device. In fact, "collar section K" of Chika is "configured to fit under the chin and around the neck of the user". It does not receive the user's head as recited in claims 9 and 28 as previously presented. Nevertheless, in an effort to describe that which was already inherent, claims 9 and 28 were amended to specify that the concave region of the head restraint system is configured to receive and engage at least a portion of a child's skull region, as shown in Figures 12 and 13 of the Application. "Collar section K" of Chika is "configured to fit under the chin and around the neck of the user" and does not "receive and engage at least a portion of a child's skull region". Hasslinger and Chika neither teach nor suggest a child restraint device having the combination of features recited in claims 9 and 28 as amended.

The Office Action rejects claims 10-13, 16 and 18-26 under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of US 5,514,019 to Smith. In making this rejection, the Office Action acknowledges that Cohen fails to teach or suggest a handle extending laterally away from a flexible corset and configured to be gripped by a person's hand. The Office Action alleges that "Smith teaches releasable handles that attach and extend laterally away from a flexible corset" (emphasis added). Claim 10 as amended defines a child restraint device comprising a flexible corset or harness that comprises a plurality of flexible straps, at least one fastening device, and a handle extending laterally away from the flexible corset and configured to be gripped by a person's hand, wherein the handle is permanently attached to the corset or harness in a manner so that the handle is positioned next to the child's body or clothing adjacent to the spine,

Application No. 10/729,000
Amendment "F" and Response dated May 25, 2006
Reply to Office Action of March 29, 2006

sternum, stomach or chest of the child's body when the restraint device is in use. As discussed in the previous amendment, providing a handle that is permanently attached to the corset or harness reduces the risk of dropping a child caused by the inadvertent failure of a releasable handle. It was for this reason that previous rejections involving Smith were removed by the Examiner. For this reason alone, Applicant submits that claim 10 is unobvious over Cohen and Smith.

Moreover, the releasable handles of Smith are not positioned "adjacent to the spine, sternum, stomach or chest of the child's body" as recited in claim 10 but lie next to the sides of the person wearing the life jacket. Because Cohen does not include any handles of any kind that extend laterally away from the corset or harness, let alone in the claimed position of claim 10, and because the handles of Smith are likewise not found in the claimed position of claim 10, the combined teachings of Cohen and Smith neither teach nor suggest a device having a handle located in the claimed position of claim 10. For this additional reason, Applicant believes that claim 10 is unobvious over Cohen and Smith.

Applicant notes that the Office Action fails to show where Cohen, Smith or any other reference teaches or suggests every element found in claims 19-26. Because Applicant's arguments presented in the previous amendment remain unrebutted, claims 19-26 are *prima facie* unobvious over the art of record. Nevertheless, Applicant reasserts his previous position that none of the art of record teaches or suggest every structural element or act recited in claims 19-26 (e.g., Smith discloses a method in which a rider of a water craft grips handles 8a and 8b to stabilize himself, not to stabilize the driver of the water craft, who is also the wearer of the life jacket to which the handles are attached).

The Office Action rejects claims 17 under 35 U.S.C. § 103(a) as being unpatentable over Cohen, Smith and Chika. Cohen and Smith neither teach nor suggest a restraint device having a head restrain system. As discussed above, the collar section K Chika is not "configured to receive and engage at least a portion of a child's skull region" as recited in claim 17 as now amended. Accordingly, claim 17 is unobvious over the combination of Cohen, Smith and Chika.

In view of the foregoing, Applicant believes the Application as now amended to be in allowable form. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may

Application No. 10/729,000
Amendment "F" and Response dated May 25, 2006
Reply to Office Action of March 29, 2006

be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25th day of May 2006.

Respectfully submitted,



JOHN M. GYNN
Registration No. 36,153
Applicant
Customer No. 022913

JMG:sp
SJP0000001878V001